IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.545 OF 2006

IN

NOTICE OF MOTION NO.1590 OF 2006

IN

B.C.C.C. L.C. SUIT NO.1686 OF 2006

The Bombay Xaverian Corpn.Pvt.Ltd. ...Appellant

Versus

Ramanlal Chotalal Shah & Ors. ...Respondents

.....

Ms.Lipika Biswas i/b M/s.David & Associates

for Appellant.

None for Respondents.

.....

CORAM: A.M.KHANWILKAR, J.

JULY 26, 2006.

P.C.

1. Ms.Biswas appeared and initially submitted that Respondents have not been served with the Appeal paper-book. This matter is placed for admission. As no caveat is filed, the question of serving the Respondents does not arise. In the

circumstances, Counsel for the Appellant was called upon to proceed with the matter on merits. She argued the matter for some time. When I was inclined to dictate the order, she submits that she has no instructions to argue the matter on merits and the Advocate on record is out of town. No leave note has been filed by the Advocate on record. If there is no leave note, there can be no reason to adjourn the matter.

2. In the circumstances, as I have heard the learned Counsel on merits of the case, and after going through the relevant documents on record, in particular, the opinion recorded by the lower court in the impugned Judgment, I am of the view that there is no infirmity either in the approach or the conclusion reached by the lower Court in refusing to grant ad-interim relief in the fact situation of the present case. The lower Court has recorded valid reasons for passing such order with which I am in agreement. Accordingly, there is no substance in this Appeal. Appeal is dismissed.

A.M.KHANWILKAR, J.